



March 11, 1999

Ms. Pamela Wolek
Assistant City Attorney
City of Amarillo
P.O. Box 1971
Amarillo, Texas 79105-1971

OR99-0696

Dear Ms. Wolek:

You ask that this office reconsider its ruling in Open Records Letter No. 98-2573 (1998). Your request for reconsideration was assigned ID# 123597.

The City of Amarillo Police Department (the "department") received a request "to view the sex offender register maintained by the department." Open Records Letter No. 98-2573 concluded that, under chapter 62 of the Code of Criminal Procedure, "Sex Offender Registration Program," "all information contained in either an adult's or juvenile's sex offender registration form and subsequently entered into the Department of Public Safety's database is public information" with certain exceptions, and that the department must release the following categories of information regarding each registered sex offender: "the person's full name, each alias, date of birth, sex, race, height, weight, eye color, hair color, shoe size, residential street name (but not number), the type of offense the person was convicted of, the age of the victim, the date of conviction, the punishment received, and information reflecting whether the person is discharged, paroled, or released on juvenile probation, community supervision, or mandatory supervision."

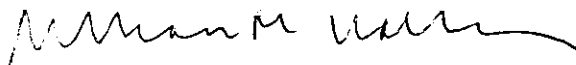
In your request for reconsideration, you contend that registration information pertaining to juvenile offenders must be withheld under section 58.007 of the Family Code, which makes confidential, with certain exceptions, "law enforcement records and files concerning a child." You note that Open Records Letter No. 98-2573 cited in support of its conclusion Open Records Decision No. 645 (1996). The latter decision ruled that the provisions of chapter 62 of the Code of Criminal Procedure prevail over the Family Code confidentiality provisions regarding juvenile offender because, *inter alia*, the chapter 62 provisions were later enacted. You point out that the juvenile offender confidentiality provisions have, since the issuance of Open Records Decision No. 645, been amended and that they are now the later-enacted provisions. *See* Act of May 13, 1997, 75th Leg., R.S. ch. 380, §1, 1997 Tex. Gen. Laws 1616.

In our opinion, despite the amendment you refer to, chapter 62 of the Code of Criminal Procedure still prevails over section 58.007 of the Family Code. As noted in Open Records Decision No. 645, chapter 62 “clearly contemplates” that juvenile sex offenders will be subject to its provisions. *See* Crim. Proc. Code arts. 62.01(3) (chapter’s definition of penal institutions includes facility operated by or under contract with the Texas Youth Commission); 62.01(5)(G) (“reportable conviction or adjudication” includes “an adjudication of delinquent conduct”); 62.02(b) (agencies to which Department of Public Safety must provide registration forms include Texas Youth Commission and Juvenile Probation Commission). We believe that the above factors still control despite the fact that the later-enactment consideration is no longer present.

We also understand you to argue that “the information held by the department is simply the registration forms themselves” and that since article 62.08(b) provides that it is the information contained in the database maintained by the Department of Public Safety that is public information, persons seeking sex offender registration information should address themselves to the Department of Public Safety and not local law enforcement agencies. We disagree. The Department of Public Safety database is created from information provided from the local law enforcement agencies sex offenders are required to register with. *Id.* arts 62.02, 62.08(a). Subsection (b) of article 62.08 provides that information in the data base is, with listed exceptions, public information. Subsection (c) of article 62.08 provides that “a local law enforcement agency shall release public information described under subsection (b) to any person who submits to the authority a written request for the information.” *See also* Open Records Decision No. 645 at 3 (1996) (local law enforcement agencies required to release information contained in the Department of Public Safety database upon written request).

We affirm Open Records Letter No. 98-2573 (1998). If you have questions about this ruling, please contact our office.

Sincerely,



William M. Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref.: ID# 123597

cc: Ms. Cynthia Puckett
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